

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BURKINA WEAR, INC.

Plaintiff,

v.

CAMPAGNOLO S.R.L.

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

07 cv 3610 (HP) (RWS)

ORDER

For the reasons set forth in Defendant's Notice of Motion to Dismiss, its accompanying Memorandum of Law (and the exhibits attached thereto), and the files and proceedings herein, Defendant's motion to dismiss is GRANTED. Counts IV (declaratory relief for dismissal of pending T.T.A.B. proceedings) and Count V (declaratory relief for cancellation of Campagnolo's U.S.P.T.O. application Serial No. 78/568,676 to register CAMPY) of Plaintiff's Complaint are hereby DISMISSED WITH PREJUDICE.

SO ORDERED this ____ day of _____, 20____.

United States District Court Judge